

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: CUSTODY OF CONTROLLED SUBSTANCES	NUMBER:	610.2
CANCELS ORDER DATED: 4-1-06	DATE:	10-1-07

I. POLICY

The Department shall make every possible effort to safeguard controlled substances or paraphernalia whether seized for evidence or held for release or destruction. Department members shall be held to the highest degree of accountability and shall act in accordance with this General Order.

II. TERMINOLOGY

Material: As used in this General Order, material is synonymous with any controlled substance, marijuana or paraphernalia as defined by the Drug Control Act of Virginia.

III. MATERIAL SEIZED FOR EVIDENCE AND HAND CARRIED FOR LABORATORY ANALYSIS

Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis. Material which is not expected to be physically introduced as evidence at trial shall be transported to the Property Section for storage. Material shall not be destroyed prior to any criminal proceeding.

- A. One copy of the preliminary report with supplements, and either one copy of the CCRE form or summons form shall be forwarded to CIB, Organized Crime and Narcotics Division.
- B. An arresting officer may hand carry material to the laboratory in any circumstance, at their discretion. The following shall be hand carried:
 - 1. Material which is too large to fit inside the Department approved narcotics envelope.
 - 2. Material which is fragile.
 - 3. Material with sharp edges or points.
 - 4. Material weighing more than forty-six (46) ounces.

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- C. Material which is hand carried shall be placed inside a Department approved narcotics envelope (if too large, package suitably in a Department approved evidence packaging box).
 - 1. The outside of the Department approved narcotics envelope shall be completed. The Department approved narcotics envelope shall be completely sealed and items such as bongs shall have all holes closed with tape.
 - 2. Freshly cut or living plants shall not be placed in a plastic bag prior to being put into the Department approved narcotics envelope unless seized or found in such bag.
 - 3. If doubt exists concerning packaging requirements for materials, contact an available drug chemist at the Northern Virginia Forensic Laboratory, telephone 703-764-4600.
- D. A Request for Laboratory Examination (Form DCLS FS002) shall be completed as indicated in Section III of the Report Writing Manual. The form shall be submitted to a chemist at the laboratory.
- E. A bar code label shall be completed by using the Property and Evidence Management System, and affixed to the exterior of the narcotics packaging.
- F. Officers shall transport material to the Northern Virginia Forensic Laboratory, 9797 Braddock Road, Fairfax Station, Virginia, between 0815 hours and 1700 hours, Monday through Friday. Upon arrival, the officer shall request that a chemist be summoned to the reception area. The chemist shall sign for the material transferred to the chemist's control. The officer shall retain a copy of the Request for Laboratory Examination for record. The officer should discuss the case with the chemist in order to assist in analysis of the material and also determine an estimated date for completion of the analysis.
- G. Following analysis, the seizing officer shall receive by mail three copies of a Certificate of Analysis. At least once each month, the FCPD Narcotics Processing Officer (as outlined in SOP 07-030) will visit the laboratory and pick up any analyzed evidence. NOTE: In the event the evidence is required for court and a monthly pickup is not scheduled prior to the court

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date, it shall be the obligation of the seizing officer to ensure the evidence is retrieved from the laboratory, transported to the Property Section and made available for any court proceeding.

- H. The Narcotics Processing Officer will be responsible for updating the status of the narcotics which he transported from the lab to the Property and Evidence Section.
- I. The officer shall file a copy of the Certificate of Analysis no less than seven (7) days prior to the assigned court date.
- J. When material is no longer required as evidence for court, the officer shall return the material and copy of the Property Record to the Property Section. The word "destroy" shall be marked on the material and the copy. The Property Section personnel shall receive the material and obtain court authorization for destruction.

IV. MATERIAL SEIZED FOR EVIDENCE AND MAILED FOR LABORATORY ANALYSIS

Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis. Material which is not expected to be physically introduced as evidence at trial shall be transported to the Property Section for storage. Material shall not be destroyed prior to any criminal proceeding.

- A. Material may be transmitted by registered mail (return receipt requested) in all circumstances which do not require hand carrying.
- B. Material which weighs eleven (11) ounces or less shall be placed inside a Department approved narcotics envelope. The Department approved narcotics envelope and the Request for Laboratory Examination shall be placed inside the brown envelope provided.

If the material weighs more than eleven (11) ounces and not more than forty-six (46) ounces, place the material inside a Department approved narcotics envelope; complete the Department approved narcotics envelope and Request for Laboratory Examination and place both items inside a box provided.

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- C. All seams shall be sealed with the self-adhering tape provided. The pre-addressed labels shall be affixed to the outside of the envelope or box.
- D. A bar code label shall be completed by using the Property and Evidence Management System, and affixed to the exterior of the narcotics packaging. This shall be completed prior to submitting the package to the DFS Lab.
- E. One copy of the preliminary report with supplements, and either one copy of the CCRE form or summons form shall be forwarded to CIB, Organized Crime and Narcotics Division.
- F. The funds for mailing shall be obtained from the appropriate district or division commander or designee.
- G. The packaged material shall be transported to the nearest post office. The package shall be sent by registered mail. The return receipt shall be addressed to return to the sending officer at the duty station. The material shall not be insured and "no value" will be placed on the package. The post office personnel do not process this form of mail differently from any other registered mail, nor will the sending officer receive preferential treatment as a postal patron.
- H. The sending officer shall retain a copy of the receipt received at mailing and also the return receipt when received later.
- I. The sending officer shall provide a copy of the receipt received at mailing, and any unused funds to the appropriate district or station commander, or designee.
- J. Following analysis, the sending officer shall receive by mail three copies of a Certificate of Analysis.
- K. The laboratory shall return the material to the Property Section by: registered mail, laboratory personnel, or by requesting Property Section personnel to transport.
- L. The sending officer shall file a copy of the Certificate of Analysis no less than seven (7) days prior to the assigned court date.

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- M. The Property Section shall update the status of the narcotics in the Property and Evidence Management System.
- N. When material is no longer required as evidence for court, the officer shall return the material to the Property Section. The word "destroy" shall be marked on the material. The Property Section personnel shall receive the material and obtain court authorization for destruction.

V. MATERIAL RECEIVED FOR DESTRUCTION ONLY

Material which is not evidence and therefore, not requiring laboratory analysis, shall be disposed of as follows:

- A. The reporting officer shall secure the material in a Department approved narcotics envelope, complete information on exterior portion, and clearly mark the envelope with the word "destroy."
- B. The narcotics shall be entered into the Property and Evidence Management System with the status of "destruction." A bar code label displaying this status shall be printed and affixed to the exterior of the narcotics package.
- C. The packaged narcotics shall be placed in the area secured for material storage.
- D. The Property Section shall transport the material and assure recording and destruction.

VI. MATERIAL DESIGNATED FOR RELEASE (PRESCRIPTION DRUGS)

Prescription medications that are held in police custody as found property or for temporary safeguarding shall be handled in accordance with General Order 610.1, Custody of Property, and may be released under the conditions identified below.

Upon receipt of the material, a reasonable effort should be made to visually inspect the container to ensure its contents correspond to the prescription and that illicit

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substances are not present. A Physician's Desk Reference ("PDR") is useful in identifying prescription medications by their appearance.

- A. Releasable prescription medications must be packaged in their original pharmacy-issued container, including the prescription label identifying the pharmacy, patient, medication, dosage, date prescribed and prescribing doctor.
- B. The material is to be released only to the adult patient prescribed the medication and then only upon satisfactory proof of identification with valid photo ID. The claimant, if other than the patient, may receive the material only if he/she can establish legal custody or guardianship of the patient (i.e., child or other family member).

VII. NARCOTICS DESTRUCTION AUDIT

A detective from the Internal Affairs Bureau shall accompany Property and Evidence Section staff during narcotic burns to audit the process and ensure compliance with accreditation standards and best business practices.

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.

16.01

16.02

16.03

16.04

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This General Order becomes effective October 1, 2007 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

A handwritten signature in black ink, consisting of stylized, overlapping letters.

Chief of Police

APPROVED BY:

A handwritten signature in black ink, appearing to read "Atkins" with a stylized flourish at the end.

County Executive